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10/576,743	01/09/2007	John Hillel Moshal	06-278	8207

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EXAMINER
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LIM, SENG HENG

ART UNIT	PAPER NUMBER
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3714

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11/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/576,743

Applicant(s)

MOSHAL, JOHN HILLEL

Examiner

Seng H. Lim

Art Unit

4134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/21/06, 6/16/06</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4,10,13,14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto (US 5,89,121) taken with Pease et al (5,326,104).

**Regarding claim 1-4, 10, 13.** Sakamoto teaches a gaming system comprising: at least one player station (Fig. 1) and a software random event generator communicable with the at least one player station by means of a communication network, the random event generator being responsive to a request from the at least one player station to generate one or more random events upon which an outcome of the at least one game of chance is based (Fig. 4).

Sakamoto does not specifically disclose a secondary random event generator being activatable by the at least one player station to generate, in response to a request from the at least one player station, one or more random events upon which an outcome of the at least one game of chance is based; however, Sakamoto does disclose that the usage of a backup random number sampling operation is known in the art (6:18-26). Hence the gaming system would implicitly comprise of a activating the secondary random event generator, which is implicitly communicable with the player station by means of the same communication network, when used as a backup.

Sakamoto does not specifically disclose a controller arranged to monitor a status of the primary random event generator and being arranged to automatically activate the secondary random event generator upon transition of the status of the primary random event generator from an active status to a failed status. However, the Office takes Official Notice that it is well known in the art that using a backup server, generator or the

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like, includes a monitoring features to detect the failure of the primary server and initiate the secondary server when the primary server fails (this can be seen in Pease et al, 18:43-49). At the time of invention a person of ordinary skill in the art would have found it obvious to include the monitoring features when using a backup server and would have been motivated to do so to detect failure of the primary server.

**Regarding claim 14.** Sakamoto does not disclose system in which the primary and secondary gaming servers each have a corresponding storage memory and synchronise data in their respective storage memories at predetermined intervals.

Pease et al disclose system in which the primary and secondary gaming servers each have a corresponding storage memory and mirror copy/synchronise data in their respective storage memories at predetermined intervals (18:18-22). Sakamoto and Pease et al are analogous art because they are from the same area of technical difficulty of having backup servers/generator. At the time of invention a person of ordinary skill in the art would have found it obvious to apply Pease et al's maintenance of mirror copy of data on each of Sakamoto's servers and would have been motivated to do so to continue play of the game without interrupting the players.

**Claims 5-9, 11-12, 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto (US 5,89,121) as applied to claim 1 & 4 above, and further in view of Crumby (US 6,533,664 B1).

Sakamoto teaches the basic claimed system as set forth above.

**Regarding claim 5.** Sakamoto does not disclose a gaming system in which the primary software random number generator is executable in a first gaming server remote from the at least one player station.

Crumby discloses a gaming system in which the primary software random number generator is executable in a first gaming server remote from the at least one player station (Fig. 3). Sakamoto and Crumby are analogous art because they are from the same field of gaming device with random number generator. At the time of invention a person of ordinary skill in the art would have found it obvious to apply Crumby's

remote generator into Sakamoto because they are equivalent alternatives of one another.

**Regarding claim 6.** Sakamoto disclose the secondary random event generator being executable in a secondary gaming server remote from the at least one player station (6:19-26).

**Regarding claim 7-9, 12, 15.** Sakamoto does not specifically disclose the gaming system to include a watchdog facility that detects failure of either one of the primary random number generator and the primary gaming server by transmitting a request data packet to the primary gaming server at regular intervals and monitoring each request data packet for a corresponding response from the primary gaming server within a predetermined time interval.

Crumby discloses a monitoring system (i.e. watchdog facility) that detects failure of either one of the primary random number generator and the primary gaming server by transmitting a request data packet to the primary gaming server at regular intervals and monitoring each request data packet for a corresponding response from the primary gaming server within a predetermined time interval. If the primary generator fails, the 'lost link' procedure will be implemented, which includes notifying the central computer and/or casino, and/or may display a signal light, generate a sound, and the like (6:64-7:16). At the time of invention a person of ordinary skill in the art would have found it obvious to apply Crumby's monitoring system into Sakamoto's system and would have been motivated to do so to detect failure of the primary generator.

**Regarding claim 11.** Sakamoto does not disclose the gaming system in which the at least one player station is a computer workstation and the communication network is the Internet.

Crumby discloses that the gaming system can be in a context of other types of gaming such as personal computer based gaming and Internet gaming (9:24-26). At the time of invention a person of ordinary skill in the art would have found it obvious to make Sakamoto's gaming system to be available as an online game as that of Crumby's and would have been motivated to do so to provide more accessibility to players worldwide.

**Claims 16-18, 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto (US 5,89,121) taken with Pease et al (5,326,104).

Sakamoto discloses a method of operation of a gaming system, comprising the steps of: displaying to a player a simulation of at least one game of chance (Fig. 3); requesting a primary random event generator to generate one or more random events upon which an outcome of the at least one game of chance is based (Fig. 4:36);

Sakamoto does not specifically disclose a secondary random event generator being activatable by the at least one player station to generate, in response to a request from the at least one player station, one or more random events upon which an outcome of the at least one game of chance is based; however, Sakamoto does disclose that the usage of a backup random number sampling operation is known in the art (6:18-26). Hence the gaming system would implicitly comprise of a activating the secondary random event generator, which is implicitly communicable with the player station by means of the same communication network, when used as a backup.

Sakamoto does not specifically disclose a controller arranged to monitor a status of the primary random event generator and being arranged to automatically activate the secondary random event generator upon transition of the status of the primary random event generator from an active status to a failed status. However, the Office takes Official Notice that it is well known in the art that using a backup server, generator or the like, implicitly includes some sort of monitoring features to detect the failure of the primary server and initiate the secondary server when the primary server fails (this can be seen in Pease et al, 18:43-49). At the time of invention a person of ordinary skill in the art would have found it obvious to include the monitoring features when using a backup server and would have been motivated to do so to detect failure of the primary server.

**Claims 19-22, 24-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto (US 5,89,121) as applied to claim 18 above, and further in view of Crumby (US 6,533,664 B1) and Pease et al (5,326,104).

Sakamoto teaches the basic claimed method as set forth above.

**Regarding claim 19.** Sakamoto disclose the secondary software random event generator is executed in a secondary gaming server (6:19-26) but does not disclose the primary software random number generator is executed in a first gaming server.

Crumby discloses a gaming system in which the primary software random number generator is executable in a first gaming server (Fig. 3). Sakamoto and Crumby are analogous art because they are from the same field of gaming device with random number generator. At the time of invention a person of ordinary skill in the art would have found it obvious to apply Crumby's remote generator into Sakamoto because they are equivalent alternatives of one another.

**Regarding claim 24.** Sakamoto does not disclose a method that includes a step of synchronising, at predetermined intervals, data in storage memories associated with the primary and secondary gaming servers, respectively.

Pease et al disclose a method that includes a step of synchronising, at predetermined intervals, data in storage memories associated with the primary and secondary gaming servers (18:18-22). Sakamoto and Pease et al are analogous art because they are from the same area of technical difficulty of having backup servers/generator. At the time of invention a person of ordinary skill in the art would have found it obvious to apply Pease et al's maintenance of mirror copy of data on each of Sakamoto's servers and would have been motivated to do so to continue play of the game without interrupting the players.

**Regarding claim 20-22, 25.** Sakamoto does not specifically disclose the gaming system to include a watchdog facility that detects failure of either one of the primary random number generator and the primary gaming server by transmitting a request data packet to the primary gaming server at regular intervals and monitoring each request data packet for a corresponding response from the primary gaming server within a predetermined time interval.

Crumby discloses a monitoring system (i.e. watchdog facility) that detects failure of either one of the primary random number generator and the primary gaming server by transmitting a request-data packet to the primary gaming server at regular intervals

and monitoring each request data packet for a corresponding response from the primary gaming server within a predetermined time interval. If the primary generator fails, the 'lost link' procedure will be implemented, which includes notifying the central computer and/or casino, and/or may display a signal light, generate a sound, and the like (6:64-7:16). At the time of invention a person of ordinary skill in the art would have found it obvious to apply Crumby's monitoring system into Sakamoto's system and would have been motivated to do so to detect failure of the primary generator.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see attached USPTO form PTO-892.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seng H. Lim whose telephone number is 571-270-3301. The examiner can normally be reached on 8:30-6:00, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



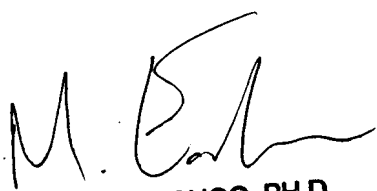
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SHL

November 5, 2007

  
MARK EASHOO, PH.D.  
SUPERVISORY PATENT EXAMINER

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